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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MOONEYHAM, JANICE A	
ART UNIT	**PAPER NUMBER**
3629	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/753,582	MATSUSHIMA, HIROYUKI	
	Examiner	Art Unit	
	Janice A. Mooneyham	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-19,21-25 and 28-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 9-19, 21-25, and 28-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the applicant's communication filed on February 26, 2006, wherein:

Claims 1-7, 9-19, 21-25, and 28-32 are currently pending;

Claims 1, 13, 28, and 31 have been amended.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 26, 2006 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7, 9-19, and 21-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant has amended claims 1 and 13 to incorporate the limitation of the server terminal transmits the input image data based on the method of transmission.

The applicant states that the server terminal is configured to receive from the client terminal the information related to the reservation, determine whether the reservation is permitted in accordance with the received information and to register the reservation and to transmit information to the client terminal to indicate registration of the reservation. Claims 1 and 13 are directed to system claims. Therefore, the intended manner of use of the structure has little patentable weight. It appears that applicant is trying to identify the system by what it does or by a property or characteristic it has rather than by what it is. For example, the applicant states that the server terminal transmits the input image data to a user of the information device base on the method of transmission. However, the prior art apparatus must be distinguished from the prior art in terms of structure rather than function alone. If the Examiner has a reason to believe that the functional limitation can be performed by the prior art structure, the burden is on the applicant to prove otherwise. In this case, the Examiner has reason to believe that the prior art structure can transmit input image data. Claims 2-7 and 9-12 depend on claim 1 and claims 14-19 and 21-25 depend on claim 13.

4. Claims 28-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 28 and 31 are directed to a method and program comprising the steps of authenticating a user, confirming the reservation, confirming an identity of the user, releasing a lock, and designating a method for transmitting an image an image to the user, the image captured by the information device after the information device is

reconnected to the network used in the lending reservation method. This is unclear. Is the image only captured by the information device after the device is reconnected to the network? It would seem that the image would be the picture that is taken and then this image is transmitted to the user in a manner designated by the user after the information device is reconnected to the network.

Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 states wherein the image is transmitted across the network in accordance with the image transmission method by one of electronic mail, a file transfer protocol method, a file transfer method, a printer output and storing the image in the sever. How is the image transmitted over a network via a printer output or how is storing the image in a server, transmitting the image?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-7, 9-12, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al (5,726,885) (hereinafter referred to as Klein) in view of Steinberg et al (6,628,325).

Referring to Claim 1:

Klein discloses a lending management system (hire vehicle transportation system) comprising:

a client terminal connected to a network (*Figure 1 User N; col. 3, lines 12-17 communication between the user and disposition center for purpose of reserving takes places via an information transmission channel, for example, via the telephone network; col. 4, lines 29-31 additionally, the user (N) can communicate with the disposition center (Z) via a telephone line including a modem*);

a server terminal (*disposition center*) connected to the network and configured to be connected to a device (*Figure 1 Disposition Center connected to F1 and F2, Figure 2 Disposition Center (Z)*);

wherein said client terminal is configured to transmit to the server terminal via the network information related to reservation of the device (Figure 1 and col. 4, lines 32-45 *via the telephone network link (1)to which computer (d) can be connected directly to the disposition center (Z), user (N) can reserve in advance;* col. 7, lines 4-10 *the user can reserve the desired vehicle in advance by contacting the disposition center (Z)*;

said server terminal configured to receive from the client terminal the information, determine if the reservation is permitted, register the information and transmit information to the client terminal indicting the registration of the reservation (col. 7, lines

4-15 *the disposition center checks the user authorization and the availability of possible vehicles for the desired journey. The user then selects the desired vehicle, being informed by the disposition computer about current and future planned availability*).

Klein does not disclose that the device is an information device or that the client terminal comprises an image transmission designating unit configured to transmit an input image data from an image captured by the information device.

However, Steinberg disclose an information device (*digital camera (12)*) and the client terminal comprises an image transmission designating unit configured to transmit an input image data from an image captured by the information device (Figure 1, destination (18); Figure 15 (258) Set up destination; col. 2, lines 39-42 a communication device for interconnecting a digital camera to communication network for downloading data to a remote computer, col. 2, lines 54-57 remote computer/destination address).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the digital camera and image transmission of Steinberg to the reservation system of Klein to provide for the rental of digital cameras and to secure the camera and data against unauthorized use and to allow only authorized users to operate the apparatus thus preventing theft of the camera while providing the advantage of allowing the digital camera user to download image camera data to a remote computer or network site and avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation.

Referring to Claim 2:

Klein discloses a server terminal comprising a user certification unit (disposition Center) configured to authenticate user in accordance with input information (*col. 5, lines 38-57 subscriber administration is carried out in disposition center (Z). Subscriber administration includes the administration of user identification numbers of authorized system users and the checking of the user authorization when a vehicle is hired*); and

a permission unit configured to check the input information provided with an access right by said user certification unit and permit lending of the device (*col. 5, lines 38-57 the disposition center (Z) tests this data and in case of an authorized use request, transmits back an enabling instruction*).

Referring to Claim 3:

Steinberg discloses a password (col. 8, lines 24-25 *requiring a user password avoids the possibility that an unauthorized person will alter data*).

Referring to Claim 4:

Steinberg a magnetic card reader configured to read a magnetic card in which an identity of the user is registered (col. 2, lines 53-63 *the device may also have a Smart card socket into which a user can insert a card to input data, such as user and camera I.D., user authorization*).

Referring to Claim 5:

Klein discloses an integrated circuit card reader configured to read an integrated circuit card in which an identity of the user is registered (*col. 3, lines 21-29 a chip card which is coded for a specific vehicle and serves as access authorization for the selected*

vehicle; col. 4, lines 23-29 when he is present at the collection and return point (Hi), the user (N) can establish a communication link (3) with the automatic collection and return machine (HA) by means of a user identification card which identifies him as an authorized user of the system, and which can be inserted into a corresponding card reader on the automatic collection and return machine (HA)).

Referring to Claim 6:

Steinberg discloses fingerprint input unit configured to receive an input fingerprint of the user (col. 2, line 57-63 *can be programmed to perform fingerprinting procedures*).

Referring to Claim 7:

Klein discloses server terminal is configured to transmit a lock release signal to activate and deactivate a lock switching unit configured to permit and prevent operation of the device (col. 3, lines 35-40 *the invention offers increased protection from unauthorized use in that the maximum duration of a hire period is stored on the chip card and is called up on the vehicle side by a locking control unit. When the period of use is exceeded, the locking control unit prevents the vehicle from being opened again, col. 5, lines 18-23 the vehicle/disposition center communication link (6) can be bidirectional in order to disable a vehicle reported as stolen by setting the immobilizer under remote control from the disposition center (Z) after the ignition has been switched off*).

Referring to Claim 9:

Steinberg discloses that the image transmission designating unit is configured to transmit the input image data by electronic mail (col. 12, lines 28-31; Figure 16 (6) *send data by e-mail with low resolution of image*).

Referring to Claims 10-11:

Steinberg discloses the device receiving image data and other information data from a camera and securing the data and structuring it according to the required protocol (col. 4, lines 36-49) and Steinberg identifies network protocols as TCP/IP in Figure 7 under Device to Network Protocols.

Steinberg does not explicitly disclose transmitting by a file transfer protocol method or a file transfer method.

The Microsoft Computer Dictionary states that FTP is a fast application-level protocol widely used for copying files to and from remote computers systems on a network using TCP/IP such as the Internet and that file transfer is the process of moving or transmitting a file from one location to another.

Therefore, it would have been obvious to one of ordinary skill in the art to combine file transfer and FTP into the disclosure of Steinberg since Steinberg is sending image data from a camera over a communication network and downloading it to remote network locations or computers and this allows this process to be carried out over the Internet.

Referring to Claim 12:

Steinberg discloses a printing unit (col. 4, lines 42-49 *sends the data through the network for transmission to a destination device such as a computer,* ***printer****, serve, Figure 16 (2) Decrypt data and print image*).

Referring to Claims 28 and 31:

Klein disclose a lending (reservation) management method and a computer readable medium for reserving lending of an device (vehicle) with a reservation, comprising:

authenticating a user (col. 7, lines 4-12 *the disposition center (Z) checks the user authorization*);

confirming that the reservation is available with respect to the device (col. 7, lines 10-12 *the disposition center (Z) checks the availability of possible vehicles*);

confirming an identity of the user who registers the reservation (col. 4, lines 32-45 *the user (N) can reserve in advance a desired vehicle or a desired type. Such reservation made, a chip card associated with the selected vehicle is issued after the user (N) making the reservation has proved his identity*);

releasing a lock of the device (col. 4, lines 50-55 *by inserting the chip card into the card reader, the vehicle is opened and an existing immobilizer is disarmed, i.e., the ignition is enabled*).

Klein does not disclose an information device or designating a method for transmitting an image captured by the information device after the information device is reconnected to a network used in the lending reservation method.

However, Steinberg discloses an information device (digital camera (12)) and designating a method for transmitting an image captured by the device after the device is connected to a network (Figure 15 (258) Set up destination; col. 5, lines 7-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the digital camera and image transmission of Steinberg to the reservation system of Klein to provide for the rental of digital cameras and to secure the camera and data against unauthorized use and to allow only authorized users to operate the apparatus thus preventing theft of the camera while providing the advantage of allowing the digital camera user to download image camera data to a remote computer or network site and avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation and also providing a method for deleting the image data from the camera.

Referring to Claim 29:

Steinberg discloses transmitting the image in accordance with an image transmission method (col. 4, lines 37-49 *the device sends the data through the network for transmission*).

Referring to Claim 30:

Steinberg discloses image being transmitted by one of electronic mail, a file transfer protocol method, a file transfer method, a printer output or storing the image in the server (col. 4, lines 37-49 *the device sends the data through the network for transmission to a destination device such as a computer, printer, server;* Figure 16 (6) *send data by e-mail; col. 21-36*).

Referring to Claim 32:

Steinberg discloses a WWW server function (col. 12, lines 21-36 *distribute selected data items to other remote locations, such as the web; Figure 16 (5) place image data on the web*).

6. Claims 13-19 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al (5,726,885) (hereinafter referred to as Klein) in view of Steinberg et al (6,628,325) and further in view of Shiota et al (US 6,657,660) (hereinafter referred to as Shiota).

Referring to Claim 13:

Klein discloses a lending management system (hire vehicle transportation system) comprising:

a client terminal connected to a network (*Figure 1 User N; col. 3, lines 12-17 communication between the user and disposition center for purpose of reserving takes places via an information transmission channel, for example, via the telephone network; col. 4, lines 29-31 additionally, the user (N) can communicate with the disposition center (Z) via a telephone line including a modem*);

a server terminal (*disposition center*) connected to the network and configured to be connected to a device (*Figure 1 Disposition Center connected to F1 and F2, Figure 2 Disposition Center (Z)*);

wherein said client terminal is configured to transmit to the server terminal via the network information related to reservation of the device (Figure 1 and col. 4, lines 32-45

via the telephone network link (1)to which computer (d) can be connected directly to the disposition center (Z), user (N) can reserve in advance; col. 7, lines 4-10 *the user can reserve the desired vehicle in advance by contacting the disposition center (Z)*;

said server terminal configured to receive from the client terminal the information, determine if the reservation is permitted, register the information and transmit information to the client terminal indicting the registration of the reservation (col. 7, lines 4-15 *the disposition center checks the user authorization and the availability of possible vehicles for the desired journey. The user then selects the desired vehicle, being informed by the disposition computer about current and future planned availability*).

Klein does not disclose that the device is an information device or that the client terminal comprises an image transmission designating unit configured to transmit an input image data from an image captured by the information device or that the server transmits the input image data.

However, Steinberg disclose an information device (*digital camera (12)*) and the client terminal comprises an image transmission designating unit configured to transmit an input image data from an image captured by the information device (Figure 1 destination (18), Figure 15 (258) Set up destination; col. 2, lines 39-42 a communication device for interconnecting a digital camera to communication network for downloading data to a remote computer, col. 2, lines 54-57 remote computer/destination address).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the digital camera and image transmission of Steinberg to the

reservation system of Klein to provide for the rental of digital cameras and to secure the camera and data against unauthorized use and to allow only authorized users to operate the apparatus thus preventing theft of the camera while providing the advantage of allowing the digital camera user to download image camera data to a remote computer or network site and avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation.

Shiota discloses a server transmitting the input image data (Figure 1; Figure 3, col. 2, lines 26-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the reservation method and system of Klein the ability to store and transmit data from an image server as taught in Shiota to provide a picture image data storing and utilizing system which enables even a user who does not have a personal computer at hand or at all to use a digital camera easily and to store or utilize picture images recorded by a digital camera.

Referring to Claim 14:

Klein discloses a server terminal comprising a user certification unit (disposition Center) configured to authenticate user in accordance with input information (*col. 5, lines 38-57 subscriber administration is carried out in disposition center (Z). Subscriber administration includes the administration of user identification numbers of authorized system users and the checking of the user authorization when a vehicle is hired*); and

a permission unit configured to check the input information provided with an access right by said user certification unit and permit lending of the device (*col. 5, lines*

38-57 the disposition center (Z) tests this data and in case of an authorized use request, transmits back an enabling instruction).

Referring to Claim 15:

Steinberg discloses a password (*col. 8, lines 24-25 requiring a user password avoids the possibility that an unauthorized person will alter data*).

Referring to Claim 16:

Steinberg a magnetic card reader configured to read a magnetic card in which an identity of the user is registered (col. 2, lines 52-57 *the device may also have a Smart card socket into which a user can insert a card to input data, such as user and camera I.D., user authorization*).

Referring to Claim 17:

Klein discloses an integrated circuit card reader configured to read an integrated circuit card in which an identity of the user is registered (*col. 3, lines 21-29 a chip card which is coded for a specific vehicle and serves as access authorization for the selected vehicle; col. 4, lines 23-29 when he is present at the collection and return point (Hi), the user (N) can establish a communication link (3) with the automatic collection and return machine (HA) by means of a user identification card which identifies him as an authorized user of the system, and which can be inserted into a corresponding card reader on the automatic collection and return machine (HA)*).

protocol (col. 4, lines 37-48) and Steinberg identifies network protocols as TCP/IP in Figure 7 under Device to Network Protocols.

Steinberg does not explicitly disclose transmitting by a file transfer protocol method or a file transfer method.

The Microsoft Computer Dictionary states that FTP is a fast application-level protocol widely used for copying files to and from remote computers systems on a network using TCP/IP such as the Internet and that file transfer is the process of moving or transmitting a file from one location to another.

Therefore, it would have been obvious to one of ordinary skill in the art to combine file transfer and FTP into the disclosure of Steinberg since Steinberg is sending image data from a camera over a communication network and downloading it to remote network locations or computers and this allows this process to be carried out over the Internet.

Referring to Claim 24:

Steinberg discloses a printing unit (col. 4, lines 42-49 *sends the data through the network for transmission to a destination device such as a computer,* ***printer****, serve, Figure 16 (2) Decrypt data and print image*).

Referring to Claim 25:

Steinberg discloses a system configured to store the input image data in the server (col. 4, lines 43-49 *then sends the data through the network for transmission to a destination device, such as a computer, printer,* ***server****, phone switch*).

Referring to Claim 18:

Steinberg discloses fingerprint input unit configured to receive an input fingerprint of the user (col. 2, lines 57-62 *can be programmed to perform fingerprinting procedures*).

Referring to Claim 19:

Klein discloses server terminal is configured to transmit a lock release signal to activate and deactivate a lock switching unit configured to permit and prevent operation of the device (col. 3, lines 35-40 *the invention offers increased protection from unauthorized use in that the maximum duration of a hire period is stored on the chip card and is called up on the vehicle side by a locking control unit. When the period of use is exceeded, the locking control unit prevents the vehicle from being opened again, col. 5, lines 18-23 the vehicle/disposition center communication link (6) can be bidirectional in order to disable a vehicle reported as stolen by setting the immobilizer under remote control from the disposition center (Z) after the ignition has been switched off*).

Referring to Claim 21:

Steinberg discloses that the image transmission designating unit is configured to transmit the input image data by electronic mail (col. 12, lines 28-32; Figure 16 (6) *send data by e-mail with low resolution of image*).

Referring to Claims 22-23:

Steinberg discloses the device receiving image data and other information data from a camera and securing the data and structuring it according to the required

Response to Arguments

7. Applicant's arguments filed February 26, 2006 have been fully considered but they are not persuasive.

The applicant argues that Steinberg does not teach or suggest designating a method for transmitting an image. These arguments are moot in view of the new ground(s) of rejection.

In response to applicant's arguments against the references individually, i.e., Klein does not disclose data being transmitted after the user returns the car, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Klein was cited as a method and system of making a reservation. Steinberg has been cited as having a digital camera with images being transmitted by the designating unit.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation is derived from the secondary reference.

Furthermore, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Klein is a booking and reservation method and system which includes the features of verifying the user's identity, thus protecting against unauthorized use, wherein when the period of use is exceeded, the locking system control unit prevents the use of the device/vehicle. Thus the Examiner asserts that the Klein reference is analogous since the reference is in the field of applicant's endeavor; booking and reservations with access controls, and Klein is reasonably pertinent to the particular problem with which the inventor was concerned, a booking and reservation method and system that identifies the user, thus, protecting against unauthorized use, the method and system having a locking system control unit that prevents use of the device/vehicle after the reservation time is exceeded. In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

Applicant argues that it is established in the case law that if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. Applicant goes on to argue that adding an image capturing device and transmission means for transmitting the image to the vehicle reservation system of Klein would clearly change the basic principle of the reservation system. The Examiner disagrees with this line of argument. First, Klein is a

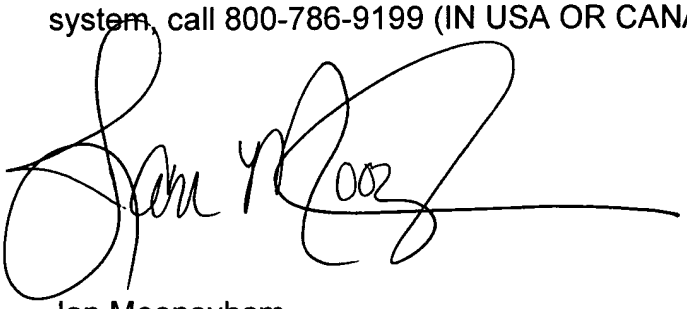
reservation system that identifies the user, prevents unauthorized access and has a locking mechanism for locking users out once the predetermined reservation time has expired. Secondly, as set forth in *In re Gurley*, a reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant (In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). The Examiner asserts that a person of ordinary skill in the art, upon reading the Klein reference, would not be led in a direction divergent from the path that was taken by applicant. The Examiner asserts that if the Klein reservation method and system were to be used on small devices, i.e., cameras, then it would have been obvious to one of ordinary skill in the art to incorporate into the system and method an image capturing and designation device.

As for applicant's argument as to claims 1 and 13, wherein claims 1 and 13 were rejected as unpatentable over Klein in view of Steinberg and further in view of Shiota, these arguments are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jan Mooneyham
Patent Examiner
Art Unit 3629